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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,988	01/22/2002	Yuko Kubooka	50023-165	7786

7590 08/05/2005  
McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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ALI, SYED J

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/050,988

Applicant(s)

KUBOOKA ET AL.

Examiner

Syed J. Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date Jan. 22, 2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. Claims 1-14 are pending in this application.

#### ***Double Patenting***

2. Applicant is advised that should claims 1, 5, or 9-10 be found allowable, claims 11, 12, and 13-14 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

3. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. **Claims 1-4, 9, 11, and 13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

9. As per claims 1 and 11, the claimed “digital device” is non-statutory, as it is not tangibly embodied, in that it fails to include any hardware as part of the device. The device could be implemented entirely in software. Claims 2-4 are rejected for at least the same reasons as presented for their parent claim, as they fail to present any limitations that resolve the deficiencies of the claim from which they depend.

10. As per claims 9 and 13, the claimed “program” is non-statutory, as it is not tangibly embodied, as the “program” is implemented entirely in software.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. **Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakahara et al. (USPN 6,253,225) (hereinafter Nakahara).**

13. As per claims 1, 5, and 9-14, Nakahara teaches the invention as claimed, including a digital device provided with a computer readable recording medium having stored thereon an operating system loaded with a program for performing a task management method for executing in parallel a plurality of tasks each managed as one execution unit by program execution means (col. 1 lines 13-19), comprising:

task attribute information storage means for storing an attribute of a function which constitutes said task (col. 11 lines 1-8);

program execution means for transmitting information on an attribute of a function under execution, and for querying about execution of an abort to a task to which said function belongs (col. 11 lines 21-31);

task execution determination means for determining whether or not the abort is executed based at least on the attribute of the function under execution responsive to the query from said program execution means on the execution of the abort (col. 6 lines 17-28); and

task attribute recognition means for storing the attribute of the function currently under execution in said task attribute information storage means, based on the information on the attribute of the function transmitted from said program execution means (col. 11 lines 1-8), and for returning the attribute of the function stored in said task attribute information storage means in response to a query from said task execution determination means about the attribute of the function currently under execution (col. 6 lines 17-28; col. 16 lines 12-34).

14. As per claims 2 and 6, Nakahara teaches the invention as claimed, wherein said information on the attribute of the function is a name of the function under execution (col. 11 lines 1-8), and

said task attribute recognition means determines the attribute of the function under execution based on the name (col. 11 lines 21-31).

15. As per claims 3 and 7, Nakahara teaches the invention as claimed, wherein said task managed as one execution unit is a process (col. 2 lines 58-62).

16. As per claims 4 and 8, Nakahara teaches the invention as claimed, wherein said task managed as one execution unit is a thread (col. 2 lines 58-62).

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*Conclusion*

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J. Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T. An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Syed Ali  
July 28, 2005

MAJID BANANKHAH  
PRIMARY EXAMINER

